



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,865	08/25/2000	Kent Iverson	CISCP656	5977

7590 08/25/2004

BARTON E. SHOWALTER  
BAKER BOLTS  
2001 ROSS AVENUE  
SUITE 600  
DALLAS, TX 75201-2980

EXAMINER
----------

HAN, CLEMENCE S

ART UNIT	PAPER NUMBER
----------	--------------

2665

12

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/648,865

Applicant(s)

IVERSON ET AL.

Examiner

Clemence Han

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-15 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-15 and 18-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. Responsive to amendment received on June 8, 2004, amended claims 1-3, 6-15 and 18-22 are entered as requested.

### ***Drawings***

2. Figure 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The abstract of the disclosure is objected to because the missing parenthesis for the acronym SDU in the first line. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 1–3, 6–15 and 18–22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

All amended independent claims (1 and 11–13) has the limitation of “the selected mobile station determines which base transceiver station is to accommodate an associated communication session based on signal quality information identified by the selected mobile station”. However, this limitation is not supported by the specification. The specification teaches the SDU, not the mobile station, receiving signal quality information (Page 16 Line 1) and selecting base transceiver station (Page 16 Line 7–8).

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 14, 15 and 18–22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 14, 15 and 18–22 recites the limitation "the apparatus" in the first line. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claim 1–3, 6, 11–15 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Bach (US Patent 6,353,742).

In regard to claim 1 and 11–13, Bach teaches an apparatus, comprising: a selection and distribution unit 115 that is included within a base station controller 105, the selection and distribution unit being operable to: (a) receive signal quality information from a plurality of base transceiver stations 101–103 about a plurality of data streams that are associated with a plurality of mobile stations 113 which are capable of moving within a wireless network (Column 2 Line 30–31, Column 4 Line 20–24); (b) select one of the plurality of data streams associated with a selected one of the mobile stations to be forwarded to a next destination (Column 4 Line 49–52); and (c) direct reverse communication traffic associated with the

selected mobile station to a selected one or more of the plurality of base transceiver stations (Column 2 Line 32–40).

In regard to claim 2 and 14, Bach teaches the data streams associated with the communication session from the selected mobile station, and the selection and distribution unit configured to select only one data stream to be forwarded (Column 6 Line 10–17).

In regard to claim 3 and 15, Bach teaches the data streams associated with a plurality of call sessions from the mobile stations, and the selection and distribution unit configured to select only one data stream to be forwarded for each call session (Column 6 Line 41–53).

In regard to claim 6 and 18, Bach teaches the data stream comprising packets using an internet protocol (Column 3 Line 43).

***Claim Rejections - 35 USC § 103***

11. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

12. Claim 7–10 and 19–22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bach in view of Shaughnessy et al. (US Patent 6,141,347).

In regard to claim 7 and 19, Bach teaches an apparatus, comprising: a selection and distribution unit 115 that is included within a base station controller

105, the selection and distribution unit being operable to: (a) receive signal quality information from a plurality of base transceiver stations 101–103 about a plurality of data streams that are associated with a plurality of mobile stations 113 which are capable of moving within a wireless network (Column 2 Line 30–31, Column 4 Line 20–24); (b) select one of the plurality of data streams associated with a selected one of the mobile stations to be forwarded to a next destination (Column 4 Line 49–52); and (c) direct reverse communication traffic associated with the selected mobile station to a selected one or more of the plurality of base transceiver stations (Column 2 Line 32–40). Bach, however, does not teach providing a multicast address to the next destination for transmitting a data stream.

Shaughnessy teaches providing a multicast address to the next destination for transmitting a data stream (Column 7 Line 17–21). It would have been obvious to one skilled in the art to modify Bach to provide a multicast address to the next destination for transmitting a data stream as taught by Shaughnessy in order to provide one-to-many capability (Column 3 Line 50–53).

In regard to claim 8 and 20, Shaughnessy teaches instructing a selected one of the base transceiver stations to receive the data stream at the multicast address (Column 7 Line 44–49).

In regard to claim 9 and 21, Shaughnessy teaches the data stream comprising packets using an internet protocol (Column 3 Line 45–48).

In regard to claim 10 and 22, Shaughnessy teaches establishing a multicast address for issuing commands to the plurality of base transceiver stations (Column 7 Line 5–9).

***Response to Arguments***

13. Applicant's arguments filed on June 8, 2004 have been fully considered but they are not persuasive.

14. In regard to claims 1–3, 6, 11–15 and 18, the applicants argue (Remarks Page 8) that Bach fails to teach “a selection and distribution unit that is included within a base station controller, the selection and distribution unit being operable to ... direct reverse communication traffic associated with the selected mobile station to a selected one or more of the plurality of base transceiver stations, wherein the selected mobile station determines which base transceiver station is to accommodate an associated communication session based on signal quality information identified by the selected mobile station”. Bach teaches a selection and distribution unit 115 that is included within a base station controller 105 and directing reverse communication traffic associated with the selected mobile station to a selected one or more of the plurality of base transceiver stations (Column 2



Line 32–40). Bach, however, does not teach the selected mobile station determining which base transceiver station is to accommodate an associated communication session based on signal quality information identified by the selected mobile station. However, this limitation is not supported by the specification. The specification teaches the SDU, not the mobile station, receiving signal quality information (Page 16 Line 1) and selecting base transceiver station (Page 16 Line 7–8). Bach teaches the selection and distribution unit determining which base transceiver station is to accommodate an associated communication session based on signal quality information identified by the selected mobile station (Column 2 Line 23–40).

Therefore, the examiner contends that Bach teaches all the limitations of claims 1–3, 6, 11–15 and 18.

15. In regard to claims 7–10 and 19–22, the applicants argue (Remarks Page 9 Line 5–6) that none of the references alone or in combination teach, suggest or disclose each and every claim limitation based on the argument in Remarks Page 8. The argument in Remarks Page 8 has been responded. The applicants, further, argue (Remarks Page 9 Line 15–16) that examiner has not shown the required suggestion or motivation. The examiner has shown using the network resources more efficiently as the motivation of using multicasting address. Using

multicasting address in mobile communication is well known in the art. Further motivation of using multicasting address is to provide one-to-many capability (Shaughnessy Column 3 Line 50-53). The applicant, further, argue (Remark 10 Line 16-17) that the examiner has also failed to show a reasonable expectation of success. Both, Bach and Shaughnessy are in the wireless communication environment.

Therefore, the examiner contends that Bach in view of Shaughnessy teaches all the limitations of claims 7-10 and 19-22.

### ***Conclusion***

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will

be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is (703) 305-0372. The examiner can normally be reached on Monday-Thursday 7 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C.H.  
Clemence Han

Application/Control Number: 09/648,865  
Art Unit: 2665

Page 11

Examiner  
Art Unit 2665

A handwritten signature in black ink, appearing to read 'Huy D. Vu', with a long horizontal line extending to the right.

HUY D. VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600